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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,027	08/01/2003	Jeffrey D. Muhs	0735.2	4696
24298	7590 12/04/2006		EXAM	INER .
UT-Battelle,	LLC		HEALY,	BRIAN
Office of Intel	lectual Property			
One Bethal Valley Road			ART UNIT	PAPER NUMBER
4500N, MS-6258			2883	
Oak Ridge, TN 37831			DATE MAILED: 12/04/2006	5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    Examiner   Refain M. Healy   2883		Application No.	Applicant(s)			
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LANGUAGE FROM THE MAILING DATE OF THIS COMMUNICATION.  Elements of time may be available under the promision of 37 CPR 1.138(a), is no event, however, may a cupy be aminy fisce and substitutions of the promision of 37 CPR 1.138(a), is no event, however, may a cupy be aminy fisce and substitutions of the major be available under the promision of 37 CPR 1.138(a), is no event, however, may a cupy be aminy fisce and substitutions of the major and substitutions of the m	Office Action Summer	10/633,027	MUHS ET AL.			
The MALING DATE of this communication appears on the cover sheet with the correspondence address — Perfort for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  • Beneform to me may be available under the provision of 3 CPR 1138(I) in or event however, may a rely be ten they fleet • If NO period for reply is specified above, the maximum statutory petiod will apply and will expire SIX (9) MONTH'S flow the making date of this communication.  • Failthe to require when the add extended period for regiv bit, systatus, cause the application the making date of this communication.  • Failthe to recommend the provision of the making date of this communication, even if simply fleet, may reduce any  Status  1) □ Responsive to communication(s) filled on □  2a) □ This action is FINAL.  2b) ☑ This action is non-final.  3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) ☑ Claim(s) 1-19 Is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) ☑ Claim(s) 1-19 Is/are pending in the application.  4a) ○ Claim(s) 19 Is/are repeted.  7) ☑ Claim(s) 19 Is/are repeted.  7) ☑ Claim(s) 19 Is/are repeted to extend the application requirement.  Application Papers  9) □ The specification is objected to by the Examiner.  10) ☑ The drawing(s) filled on 08012003 is/are: a) ☑ accepted or b) □ objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.121(d).  11) □ The ordaving(s) filed on 08012003 is/are: a) ☑ accepted or b) □ objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.121(d).  11) □ The ordaving(s) filed on 08012003 is/are: a) ☑ accepted or b) □ objected to	Office Action Summary	Examiner	Art Unit			
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1) Responsive to communication(s) filed on	WHICHEVER IS LONGER, FROM THE MAILING DA  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period w  - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tirn will apply and will expire SIX (6) MONTHS from cause the application to become ARANDONE.	N. nely filed the mailing date of this communication. D. (35.11.5.C. 8.133)			
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3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 04142004.  5) Notice of Informal Patent Application 6) Other:						
Paper No(s)/Mail Date <u>04142004</u> .  J.S. Patent and Trademark Office  Other:						
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## **DETAILED ACTION**

## Allowable Subject Matter

Claims 1-6 allowed. The closest prior art of record, Ochiai, U.S.P. No. 4,307,936 teaches (Figs.1-7) an optical fiber solar collector comprising first and second concave collecting mirrors 3,4, protective plate 2 which focuses solar light to optical fibers 10,9. Neither Ochiai 936' or any of the other references of record teaches or suggests the claimed fiber receiver/hybrid collector structure including a receiver housing, a filter removably disposed in the housing, a quartz rod removably disposed in the receiver housing and a fiber at least partially disposed in the housing and engaged with the quartz rod with the fiber further transmitting solar radiaition to a light distribution system (claims 1-3). In addition, neither Ochiai 936' or any of the other prior art of record teaches or suggests the hybrid luminaire structure comprising a luminaire housing with a fiber optic and electric light a cylindrical or side emitting diffusing rod that engages an optical fiber (which can be a large core optical fiber used in conjunction with polished/coated reflective surfaces (claims 4 and 5) and a hybrid luminaire with a luminaire housing, removably placed electric light and optical fiber light sources, at least one photosensor for controlling spatial light intensity and a means for controlling the intensity of the electric light source to a predetermined constant spatial light intensity (claim 6).

Claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The closest prior art of record, Adamson et. al.,

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U.S.P. No. 6,188,177 (discussed below) does not teach or suggest the use of a hybrid luminaire with the structure of claim 7.

## Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 7-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Adamson et. al., U.S.P. No. 6,188,177.

Adamson et. al. 177' teaches (Figs.1-6) a daylight harvesting controller comprising: a sensor 20 producing an input signal to the controller circuit. 18 (Note that the control circuit /daylight harvester includes a photodiode and an integrated circuit means 64 to control the amplitude and/DC voltage on an input signal to control the

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ballast voltage of the discharge lamp 16) including having the input signal being proportionate to spatial light intensity that provides either a variable control signal to a spatial light emitter discharge lamp 16 in order to provide a constant spatial light intensity, which clearly, fully meets Applicant's claimed limitations.

A copy of PTO-1449 will be included in this office action.

The following references are also cited by the Examiner as being pertinent prior art:: Schertz et. al., U.S.P. No. 4,029,519 (Figs.1-3), Strass et. al., U.S.P. No. 3,427,093 (Figs.1-7), Muhs et. al., U.S.P. No. 6,603,069 (Note entire reference), Muhs et. al., U.S. Patent Application Publication No. US 2004/0187908A1 (Note entire reference), and Muhs et. al., U.S. Patent Application Publication No. U.S. 2004/0118447A1 (Figs.1-12).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian M. Healy whose telephone number is (571)272-2347. The examiner can normally be reached on Compressed schedule Mon-Thurs.6AM-5PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Font can be reached on (571)272-2415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Brian M. Healy Primary Examiner Art Unit 2883

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BRIAN HEALY
PRIMARY PATENT EXAMINER